



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

Access to justice in cases related to climate change

## Findings of the IPCC Sixth Assessment Report

- Currently: **1.1°C of warming** - It is likely that we will reach **1.5°C between 2030 and 2035**
  - To keep within the 1.5°C limit, emissions need to be reduced by at least 43% by 2030 compared to 2019 levels, and at least 60% by 2035. This is the decisive decade to make that happen.
  - Human-caused climate change is already affecting many weather and climate extremes with substantial and **irreversible damages** to ecosystems and livelihoods
  - Losses and damages will **disproportionately affect the poorest and most vulnerable populations**
- In its [2022 report](#), the IPCC has recognized that **rights-based approaches** are essential to effective climate action and that **climate litigation** can affect the outcome and ambition of climate governance.

## Climate litigation, climate action and accountability

- Climate litigation plays a key role in **challenging and advancing narratives** about climate change at multiple levels of governance
- **Growing number of human rights-based claims** due to the severe impacts of climate change on human rights
- Rise in litigation concerning **corporate human rights abuses** (example: Greenpeace Southeast Asia and Others [petition](#) to the Commission on Human Rights of the Philippines)

### Climate litigation draws from:

- The recognition of international agreements such as the Paris agreement
- National constitutions, laws, and policies
- The work of human rights mechanisms such as the Special Rapporteurs, OHCHR, and the HRC, that link climate change to human rights;
- And relevant jurisprudence.

## Advisory Opinions

**AOs** bring **legal clarity**, provide evaluative **standards**, establish a **framework of principles** to develop more specific norms, and **shape public consciousness** to define normative expectations for a broad variety of actors.

**Example:** Advisory Opinion [OC-23/17](#) requested by Colombia on the Environment and Human Rights (15 Nov 2017):

- opened the door for **rights-based climate litigation** through the recognition of States' responsibilities for transboundary climate change related harms
- acknowledged the inextricable **link between protection of the environment and the enjoyment of human rights**
- recognized the **human right to a healthy environment** in the context of the Inter-American Human Rights System

→ The findings of an AO can contribute to present and future efforts aimed to tackle climate change.

## **Current Advisory opinion requests on climate change**

**ICJ** [Request by Republic of Vanuatu](#) to establish clear standards for climate action and climate justice benchmarks (29 March 2023)

**IACHR** [Request by Chile and Colombia](#) on the scope of the state obligations for responding to the climate emergency (9 Jan 2023)

**ITLOS** [Request by Small Island States](#) on the legal consequences of climate change on oceans (12 Dec 2022)

## Pending cases at the ECtHR

- [Verein Klimaseniorinnen Schweiz and Others v. Switzerland](#)

The association, consisting of elderly women, claims that the Swiss Government failed to set ambitious climate targets consistent with the goal of limiting warming to 1.5°C and that it creates a past, present, and future risk of heat-related mortality and morbidity. Applicants complain that Switzerland failed to comply with their positive obligations arising from Articles 2 (right to life) and Article 8 (Right to respect for private and family life).

- [Duarte Agostinho and Others v. Portugal and 32 Others](#)

The applicants complain that the 33 States concerned are failing to comply with their positive obligations under Articles 2 (right to life) and 8 (right to respect for private and family life) of the Convention, read in the light of their undertakings under the 2015 Paris Agreement on climate change (COP 21).

- [Carême v. France](#)

This case concerns a complaint by a resident and former mayor of the municipality of Grande-Synthe, who submits that France has taken insufficient steps to prevent climate change and that this failure entails a violation of the right to life (Article 2 of the Convention) and the right to respect for private and family life (Article 8 of the Convention).

## The role of UN Special Procedures in access to justice related to climate change

- Climate litigation draws from the [work of Special Procedures](#) such as reports of [Special Rapporteur on human rights and the environment](#) that link climate change to human rights
- Experts of the Special Procedures have also submitted various Amici Curiae to courts on issues related to human rights and climate change, such as:

2022: [Amicus Curiae Brief](#) on the case of **Greenpeace Nordic and Others v. Norway** at the European Court of Human Rights by SR on human rights and the environment and SR on toxics and human rights

2021: [Amicus Curiae Brief](#) on the case of **Verein KlimaSeniorinnen Schweiz et. al. v. Switzerland** at the European Court of Human Rights by SR on toxics and human rights, SR on human rights and the environment, and UN Independent Expert on the enjoyment of all human rights by older persons

2018: [Amicus Curie Brief](#) on the case of **Friends of the Irish Environment CLG v. The Government of Ireland** at the High Court of Ireland SR on human rights and the environment